

Wall Street Journal, October 11, 2020

## Bayer, BASF Fight to Keep Weedkiller on U.S. Farms

Dicamba-related crop damage has divided farmers and led to court battles; EPA set to rule on the herbicide this month

Chemical makers Bayer AG BAYRY -3.78% and BASF BASFY -1.43% SE are pushing to keep a controversial weedkiller on the market after a federal court in June blocked its use in U.S. soybean and cotton fields.

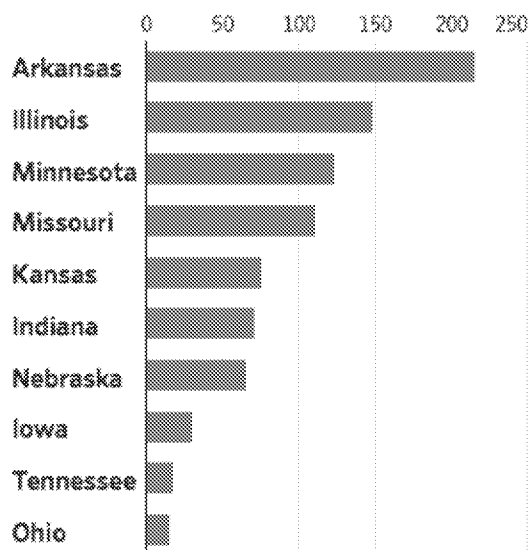
The companies are seeking approvals from the Environmental Protection Agency that would allow farmers to continue spraying dicamba, a herbicide that can kill hardy weeds but has been blamed for drifting off fields and damaging millions of acres of neighboring crops. Bayer and BASF are proposing that farmers mix the weedkiller with new chemical agents that company officials said would help dicamba stay where it is sprayed.

EPA Administrator Andrew Wheeler said the agency's scientists are still reviewing the companies' dicamba-based crop sprays. "We intend to have a decision made by the middle of October," he said during an Oct. 1 presentation to the Minnesota Farm Bureau.

### Crop Damage

Damage complaints related to dicamba herbicides received by agriculture departments in major soybean-producing states

#### Number of complaints in 2020



Source: State Agriculture Departments

Bayer and BASF developed their dicamba herbicides and related biotech soybean and cotton seeds as a solution for weeds like palmer amaranth and marestail that evolved to resist other widely used herbicides, including Bayer's Roundup.

Farmers' war against hard-to-kill weeds can push up their cost of raising a crop, and lift prices for food makers, livestock producers and consumers. Herbicide-resistant weeds can also threaten parks and natural lands.

Some farmers and homeowners, however, have blamed dicamba for evaporating off fields and traveling onto nearby fields and gardens, shriveling plants and cutting into crop production. State agriculture departments in the 20 largest soybean-producing states have received about 915 complaints of dicamba-related damage so far this year. That figure compares with about 1,560 in 2019 but remains above the 257 complaints lodged in 2016, the first year the dicamba-tolerant

seeds were sold, according to state agriculture departments.

In Iowa, dicamba-driven crop damage in 2020 hit its highest level since the herbicide was invented, Iowa State University agriculture professors Bob Hartzler and Prashant Jha wrote in July. “Nearly everyone in agriculture recognizes the widespread injury to soybean this year is not acceptable,” they wrote.

Bayer, which sells the herbicide and crops genetically engineered to withstand it, agreed in June to pay up to \$400 million to settle dicamba-related damage claims. Bayer and BASF officials said dicamba herbicides can be controlled if farmers adhere to directions for spraying it, and the companies have offered training.

The herbicide has deeply divided farmers, said Terry Fuller, a Poplar Grove, Ark., farmer who deals in agricultural supplies and also serves as chairman of the Arkansas State Plant Board, which advises the state on farm matters. After an Aug. 17 presentation to state lawmakers in Little Rock in which he discussed the need for dicamba restrictions, Mr. Fuller said he returned to find two of his tractors, parked about 15 miles apart, had been vandalized. Plastic had been fed into the oil tanks, causing about \$60,000 in damage, he said.

Following a separate presentation Mr. Fuller gave on dicamba on Sept. 17, he said a fire burned up 367 bales of his hay, costing him around \$18,000. Mr. Fuller said he notified local authorities about both episodes.

“To me, it’s right and wrong, and I’m not changing from right until some scientist convinces me they can apply it in their field and keep it there,” said Mr. Fuller, who said he carries a gun these days. In 2016 an Arkansas farmer was murdered after what authorities said was a dispute over dicamba-related crop damage.

In June, the U.S. Court of Appeals for the Ninth Circuit ruled that the EPA, when approving the companies’ herbicides in 2018, failed to acknowledge the risks of the herbicides. The ruling revoked the agency’s approval of the herbicides’ use on related biotech crops. That approval was already set to expire by year’s end.

The court’s decision had limited effect on farmers this year because by mid-June many were done spraying dicamba for the season. An EPA spokesman said the agency will factor the ruling into its consideration of any new dicamba approvals, which are needed for farmers to be able to spray crops next year.

Bayer is asking the agency to consider reapproving its dicamba spray along with an additional chemical agent that the company says can keep the herbicide from moving. The additive, called an adjuvant, prevents the formation of dicamba acid, which can evaporate off of plants and drift on the wind.

“We’re hopeful this will allow EPA to use the science and make a decision,” said Alex Zenteno, Bayer’s dicamba product manager.

BASF, which is seeking EPA approval for its own dicamba sprays, also has proposed farmers mix in such a product, developed by BASF, a spokeswoman said.

Perry Galloway, who farms about 10,000 acres of soybeans, rice and corn near Gregory, Ark., has used dicamba to kill weeds since the new sprays came onto the market in 2017. Though the herbicide damaged some nontolerant crops the first year, he said, he hasn't had problems since then.

Keeping dicamba on the market is imperative, Mr. Galloway said, to ensure farmers don't overuse other weedkillers and reduce their effectiveness. "We need every tool in the toolbox to combat these weeds," he said.

Write to Jacob Bunge at [jacob.bunge@wsj.com](mailto:jacob.bunge@wsj.com)

Corrections & Amplifications BASF SE is pushing to keep the weedkiller dicamba on the agricultural market after a federal court blocked its use in U.S. soybean and cotton fields. An earlier version of this article incorrectly identified the company as BASF SA. (Corrected on Oct. 12)